

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 RICHARD HOWARD,

No. C-07-05881 EDL

11 Plaintiff,

**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL WITHOUT
PREJUDICE**

12 v.

13 WELLS FARGO FINANCIAL ACCEPTANCE,

14 Defendant.
15 _____/

16 The Court held a hearing on Plaintiff's "Motion to Compel Further Responses to Discovery
17 and for Sanctions" on July 22, 2008. For the reasons stated at the hearing, Plaintiff's motion is
18 DENIED WITHOUT PREJUDICE. As noted at the hearing, the parties did not engage in an
19 adequate meet and confer effort. While some discovery is certainly appropriate, many of Plaintiff's
20 requests are overbroad and are not proportionate to the relatively narrow dispute at issue. At the
21 hearing, the Court ordered the parties to further meet and confer, and while the parties agreed on
22 certain requests, the parties did not present a list of revised requests that the Court could consider for
23 the remaining eleven disputed requests. As stated at the hearing, Plaintiff shall draft revised
24 appropriately narrowed requests with respect to the eleven disputed requests and shall serve these on
25 Defendant by Friday, July 25, 2008. Defendant shall respond to those requests in good faith within
26 two weeks. If any dispute remains, the parties may submit a joint statement to the Court outlining
27 up to five disputed terms. The parties shall include the full language of the narrowed request, brief
28 the issues request by request, and the joint statement shall not exceed seven pages. Defendant shall

1 provide Plaintiff with declaration(s) from the person(s) most knowledgeable stating the categories
2 for which document production has been completed and describing the diligent search made, and the
3 categories about which there is a dispute and document production has not been completed.

4 **IT IS SO ORDERED.**

5
6 Dated: July 22, 2008

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge